IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 8287 of 2007(J)

PETITIONER:

SMT.SAPNA SUJITH, D/O.RAMDAS,
PRATHEEKSHA, ULLIYERI P.O.,
KOYILANDY.

BY ADV. SRI.I.DINESH MENON

RESPONDENTS:
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1. **THE STATE TRANSPORT APPELLATE TRIBUNAL,**
   ERNAKULAM.

2. **THE REGIONAL TRANSPORT AUTHORITY,**
   VADAKARA.

3. **THE SECRETARY,**
   REGIONAL TRANSPORT AUTHORITY,
   VADAKARA.

BY SR.GOVT.PLEADER SMT. M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.8287/2007 J

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE REGULAR PERMIT OF KL-18/333.**

EXT.P2; **COPY OF THE DEATH CERTIFICATE DTD. 15/09/2004.**

EXT.P3: **COPY OF THE INTIMATION DTD. 13/09/2004.**

EXT.P4: **COPY OF THE LEGAL HEIR SHIP CERTIFICATE DTD. 6/04/2006.**

EXT.P5: **COPY OF THE PROCEEDINGS DTD. 15/07/2006.**

EXT.P6: **COPY OF THE APPEAL MEMORANDUM IN MVAA NO.536/06 DTD. 8/09/2006.**

EXT.P7: **COPY OF THE INTERIM STAY VALID STILL 15/02/2007.**

EXT.P8: **COPY OF THE JUDGMENT IN MVAA NO.536/06 DTD.27/02/2007.**

/TRUE COPY/

KSS

K.BALAKRISHNAN NAIR,J.

WP(C)NO.8287 OF 2007-J

Judgment

The petitioner's mother was having a regular permit on the route Ulliyeri-Cheekkilode. Ext.P1 is the copy of the said permit. She died on 27.08.2004. The petitioner submitted an application on 24.12.2005 for transfer of the permit in her name after the settlement in the family regarding the ownership of the vehicle. The said application was considered by the RTA, Vadakara by Ext.P4 decision and it was rejected. Simultaneously, without notice to the petitioner, the permit of the vehicle was also cancelled under Section 86(1)(c) of the Motor Vehicles Act. The petitioner appealed. The appeal was dismissed by Ext.P8, affirming both the actions of the RTA. This Writ Petition is filed, challenging Exts.P5 and P8.

2. I heard the learned Government Pleader also. The petitioner's application for transfer was submitted after the lapse of three months. She does not have a case that the said application was supported by a petition to condone the delay. Therefore, the application was rightly rejected. The said part of the order was rightly affirmed by the STAT also. But, the cancellation of the permit was done without notice to the petitioner. Therefore, that part of Ext.P5 is void ab initio. To the extent Ext.P8 affirms the said part of the order, is also vitiated. Accordingly, the Writ Petition is disposed of setting aside the cancellation of the petitioner's permit granted to the vehicle KL-18/333. If so advised, the RTA will be free to take fresh action concerning cancellation of the permit in accordance with law after affording an opportunity of being heard to the petitioner.

13.03.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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